

## **REMARKS**

This paper is a response to the Final Office Action of Jan. 7, 2010. Prior to entry of this paper, claims 1, 2, 6, 8, 11, 13, and 22-41 were pending in this application. Claims 1, 6, 11, 22, 27, 32, and 37, are now amended. No claims are added or canceled. The amendments made herein are without prejudice to applicants right to pursue claims in unamended or other form in this or continuing applications and are made merely to expedite prosecution of this application. Upon entry of this paper, claims 1-2, 6, 8, 11, 13, and 22-41 will remain pending. No new matter is added.

In the Office Action mailed January 7, 2010, pending claims 1, 2, 6, 8, 11, 13, 22-41 were rejected. More specifically, the status of the application in light of this Office Action is as follows:

- (A) Claims 1, 2, 11, 13, and 22-41 were rejected under 35 U.S.C. § 112, first paragraph.
- (B) Claims 1, 2, 6, 8, 11, and 13 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over a combination of U.S. Patent No. 6,175,550 to van Nee ("van Nee") and U.S. Patent Publication No. 2007/0208884 to Vanderaar et al. ("Vanderaar"); claims 22-30 and 32-40 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over a combination of Vanderrar and U.S. Patent Application No. 2002/0142777 to McGovern et al. ("McGovern"); and claims 31 and 41 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over a combination of Vanderrar, McGovern, U.S. Patent No. 7,376,424 to Kim et al. ("Kim").

### **A. Response to Rejections under 35 U.S.C. § 112, first paragraph**

As noted above, claims 1, 2, 11, 13, and 22-41 were rejected under 35 U.S.C. § 112, first paragraph. More specifically, pages 2 and 3 of the Office Action

allege that applicants' specification "does not disclose that the core-band is composed of a plurality of subcarrier groups." Applicants respectfully disagree.

With respect to the rejection of claim 1, applicants respectfully submit that the features alleged to be unsupported by applicants' specification are fully supported by at least paragraph [0022] and paragraph [0033] of applicants' disclosure. As merely one non-limiting example of the how these features are fully supported by applicants' disclosure, applicants respectfully note that paragraph [0022] states that "[t]he data subcarriers can be arranged into groups called subchannels to support scalability and multiple-access." Further, paragraph [0033] states that "[i]n one embodiment, relevant or essential radio control signals such as preambles, ranging signals, bandwidth request, and/or bandwidth allocation are transmitted within the [core-band] CB. In addition to the essential control channels, a set of data channels and their related dedicated control channels are placed within the CB to maintain basic radio operation." (Emphasis added.)

Based at least upon paragraph [0033]'s discussion of data channels being within a core-band, and paragraph [0022]'s discussion of data subcarriers being arranged into groups, applicants respectfully submit that their disclosure clearly supports "a core-band, including a plurality of subcarrier groups" as recited by claim 1 and thus request that the 35 U.S.C. § 112 rejection be withdrawn.

Applicants also respectfully submit that the similar rejections of independent claims 11, 22, 27, 32, and 37 should be withdrawn for at least similar reasons. As the remaining claims rejected under 35 U.S.C. § 112 depend from the above-discussed independent claims, applicants also respectfully request that the 35 U.S.C. § 112 rejection of these claims be withdrawn.

**B. Response to Rejections under 35 U.S.C. § 103**

Claims 1, 2, 6, 8, 11, 13, and 22-41 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over combinations of van Nee, Vanderaar, McGovern, and Kim.  
320529496US01/LEGAL17541682.1

Without conceding to or commenting on the substance of the 35 U.S.C. § 103 rejections, applicants have amended each of independent claims 1, 6, 11, 22, 27, 32, and 37 to include subject matter substantially similar to that previously recited by claim 9, which had been indicated as being directed towards allowable subject matter. (See, page 19 of the Office Action of April 28, 2009.) Claim 9 was previously cancelled by the response of Sept. 28, 2009.

For at least the reasons discussed herein, applicants respectfully submit that each of independent claims 1, 6, 11, 22, 27, 32, and 37 are allowable. As the remaining claims each depend from one of the above-discussed independent claims, applicants respectfully submit that these dependent claims are also allowable.

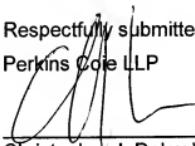
Conclusion

In view of the above amendment, applicants believe the pending application is in condition for allowance. Applicants accordingly request reconsideration of the application and a mailing of a Notice of Allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to contact Davin Chin at (206) 359-8000.

Please charge any deficiencies or credit any overpayment to our Deposit Account No. 50-0665, under Order No. 320529496US1 from which the undersigned is authorized to draw.

Respectfully submitted,

Perkins Coie LLP



---

Christopher J. Daley-Watson  
Registration No. 34,807  
Davin Chin  
Registration No. 58,413

Date: March 3, 2010

**Correspondence Address:**

Customer No. 25096  
Perkins Coie LLP  
P.O. Box 1247  
Seattle, Washington 98111-1247  
(206) 359-8000